1 2 3 4 IN THE UNITED STATES DISTRICT COURT 5 FOR THE DISTRICT OF ARIZONA 6 No. MD-15-02641-PHX-DGC IN RE BARD IVC FILTERS PRODUCTS LIABILITY LITIGATION 7 AMENDED SHORT FORM COMPLAINT FOR DAMAGES FOR INDIVIDUAL 8 CLAIMS AND DEMAND FOR JURY 9 TRIAL 10 Plaintiff(s) named below, for their Amended Complaint against Defendants named 11 below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 12 364). Plaintiff(s) further show the Court as follows: 13 1. Plaintiff/Deceased Party: 14 Michael Newson 15 19450 Lorain Road 16 Fairview Park, Ohio 44126 17 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of 18 consortium claim: 19 Iris Newson 20 19450 Lorain Road 21 Fairview Park, Ohio 44126 22 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, 23 conservator): 24 None 25 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence 26 at the time of implant: 27 Ohio 28

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1	5.	Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence			
2		at the time of injury:			
3		Ohio			
4	6.	Plaintiff's current state(s) [if more than one Plaintiff] of residence:			
5		Ohio			
6	7.	District Court and Division in which venue would be proper absent direct			
7		filing:			
8		United States District Court for the Northern District of Ohio Eastern			
9		<u>Division</u>			
10	8.	Defendants (check Defendants against whom Complaint is made):			
11		C.R. Bard Inc.			
12		Bard Peripheral Vascular, Inc.			
13	9.	Basis of Jurisdiction:			
14		□ Diversity of Citizenship			
15		Other:			
16		a. Other allegations of jurisdiction and venue not expressed in Master			
17		Complaint:			
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21	10.	Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making			
22		a claim (Check applicable Inferior Vena Cava Filter(s)):			
23		Recovery® Vena Cava Filter			
24		G2 <sup>®</sup> Vena Cava Filter			
25		G2 <sup>®</sup> Express Vena Cava Filter			
26		G2 <sup>®</sup> X Vena Cava Filter			
27		X Eclipse® Vena Cava Filter			
28		☐ Meridian <sup>®</sup> Vena Cava Filter			
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1		☐ Denali <sup>®</sup> Vena Cava Filter			
2		Other:			
3	11.	Date of Implantation as to each product:			
4		January 18, 2012			
5	12.	Cou	nts in the Maste	er Complaint brought by Plaintiff(s):	
6			Count I:	Strict Products Liability – Manufacturing Defect	
7			Count II:	Strict Products Liability – Information Defect (Failure	
8			to Warn)		
9			Count III:	Strict Products Liability – Design Defect	
10			Count IV:	Negligence – Design	
11			Count V:	Negligence – Manufacture	
12			Count VI:	Negligence – Failure to Recall/Retrofit	
13			Count VII:	Negligence – Failure to Warn	
14			Count VIII:	Negligent Misrepresentation	
15			Count IX:	Negligence Per Se	
16			Count X:	Breach of Express Warranty	
17			Count XI:	Breach of Implied Warranty	
18			Count XII:	Fraudulent Misrepresentation	
19			Count XIII:	Fraudulent Concealment	
20			Count XIV:	Violations of Applicable Ohio Law Prohibiting	
21		Consumer Fraud and Unfair and Deceptive Trade Practices			
22		X	Count XV:	Loss of Consortium	
23			Count XVI:	Wrongful Death	
24			Count XVII:	Survival	
25			Punitive Dar	nages	
26	13.	Jury Trial demanded for all issues so triable?			
27			Yes		
28			No		

1	RESPECTFULLY SUBMITTED this	13th day of June, 2017.
2	F	Respectfully submitted,
3	/9	s/ John P. Colan
4		
5	J	Chomas D. Robenalt (Ohio Reg. 0055960) ohn P. Colan (Ohio Reg. 0081778)
6	2	THE ROBENALT LAW FIRM, INC. 23550 Center Ridge Road, Suite 103
7		Westlake, Ohio 44145 Phone: 216-223-7535
8	F	Email: <u>jcolan@robenaltlaw.com</u> trobenalt@robenaltlaw.com
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11		
12 13		
14	CERTIFICATE OI	F SERVICE
15	The undersigned certifies that the above do the Court's electronic notification system to Cour	ocument was served electronically, via
16	the Court's electronic notification system to Cour 2017.	isel of Record on this 13th day of June
17		
18		Respectfully submitted,
19		,
20		SIJOMAS D. ROBENALT (#0055060)
21	J	THOMAS D. ROBENALT (#0055960) OHN P. COLAN (#0081778) THE ROBENALT LAW FIRM, INC.
22		THE ROBERALT LAW FIRM, INC.
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